

Appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application W-80874.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
Applications: Drawings

A simultaneous oil and gas lease application is properly rejected where it is dated prior to the commencement of the filing period, even though the application assertedly was signed during the filing period and inadvertently misdated, since 43 CFR 3112.2-1(c) requires that the date must reflect that the application was signed within the filing period, and since the appellant must bear the responsibility for any error in the dating of the application.

APPEARANCES: Richard L. Kahn, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

Richard L. Kahn has appealed from the August 3, 1982, decision of the Wyoming State Office, Bureau of Land Management (BLM), which rejected his simultaneous oil and gas lease application W-80874 drawn with first priority for parcel WY-568 listed on the May 1982 "Notice of Lands Available."

BLM rejected the application because it had been dated March 10, 1982, which was not within the filing period for the May 1982 filings (May 3 through May 21, 1982). BLM stated that 43 CFR 3112.2-1(c) requires that the date on the application reflect that the application was signed within the filing period.

On appeal Kahn stated that the application was signed and dated during the filing period and that he inadvertently dated it "3/10/82" by mistake.

[1] Under 43 CFR 3112.2-1(c), a simultaneous oil and gas lease application must not only be dated at the time of signing, but the date on the application must also reflect that it was signed within the filing period. An application, such as appellant's, that bears a date prior to the filing period violates these requirements and is properly rejected. 43 CFR 3112.6-1(a); Raymond N. Joeckel, 68 IBLA 195 (1982); Leonard Thompson, 62 IBLA 236 (1982). Strict compliance with the requirements of 43 CFR 3112 is enforced in order to protect the rights of other qualified applicants. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974); aff'd Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976).

An applicant bears the responsibility for any error in the dating of the application, notwithstanding that the error may have been inadvertent and not representative of the actual date of signing. Raymond N. Joeckel, *supra*.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Bruce R. Harris
Administrative Judge

We concur:

Gail M. Frazier
Administrative Judge

Franklin D. Arness
Administrative Judge
Alternate Member

